

REMARKS

Status of the Claims

Claims 1-5, 10-13 and 27-34 are amended herein.

New Claims 35-39 are added herein.

Claims 6, 8-9 and 16-26 are cancelled herein without prejudice or waiver.

No new matter is introduced by the present amendment. Support for the amendment herein can be found throughout the specification as originally filed. No changes in inventorship result from the present amendment. Applicants reserve the right to reintroduce claims, for example in a later-filed continuation application.

Telephonic Interview

On March 2, 2006, the undersigned Applicants' representative, along with Dr. Alireza Behrooz, initiated a telephone interview with Examiner David A. Saunders, Ph.D. During the interview, U.S. Patent No. 5,846,959 to Medford *et al.* was discussed. No decision was reached. Applicants appreciate the courtesy extended by Examiner Saunders in conducting the interview.

Objection To Informality

The U.S. Patent and Trademark Office (PTO) objected to an informality in Claims 1 and 27. Office Action page 2, lines 15-17. The word "determinate" was inadvertently used in place of "determinant", which one of ordinary skill in the art would readily appreciate as a typographical error. By the present amendment, Applicants assert that this objection is obviated, therefore, withdrawal of the objection is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 10-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

More specifically, the PTO states that the phrase "that affect glycosylated protein" is indefinite because one does not know what kind of "effect" is to be determined. Office Action, page 2, last two paragraphs - page 3, first paragraph.

In view of the above amendment, Applicants respectfully assert that this rejection is obviated, therefore, withdrawal of the rejection is requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 10-14, and 27-34 are rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement.

More specifically, the PTO states, “[Claims 1, 10, and 27 contain] new matter by reciting ‘vascular and/or aortic endothelial cells’.” Office Action, page 3, lines 8-9. According to the PTO, the recited species of human aortic endothelial cells (HAEC) and human microvascular endothelial cells (HMVEC) do not support the subgenus of vascular endothelial cells or aortic endothelial cells because each subgenus is not limited to cells of human origin. Office Action, page 3, lines 12-14. Further, according to the PTO, the recitation of “and” within “and/or” constitutes new matter. Office Action, page 3, lines 14-16.

Claims 1, 10, and 27 are amended to recite the genus “endothelial cells”. Support for “endothelial cells” is found in the specification as originally filed, more specifically, at least at page 6, lines 18-21.

In view of the present amendment, Applicants assert that this rejection is obviated, therefore, withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 10-14 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with 1) the written description requirement and 2) the enablement requirement. See Office Action, page 3, lines 17-23 and page 3, lines 24-27 - page 4, lines 1-3, respectively.

In view of the present amendment, Applicants respectfully assert that this rejection is obviated, therefore, withdrawal of the rejection is requested.

Rejection Under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. 103(a)

Claims 1, 4, 27-29 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Medford *et al.* (U.S. Patent No.

5,846,959). Applicants note that the PTO has not proffered any reason for the “alternative” rejection under 35 U.S.C. 103(a). See Office Action, page 4, lines 17-18.

In view of the present amendment, the instant rejection under 35 U.S.C. § 102(b), “or, in the alternative, under 35 U.S.C. 103(a)” is now moot, therefore, withdrawal of the rejection is respectfully requested.

Cancellation of Nonelected Claims 8-9 and 16-26


Claims 8-9 and 16-26, which are drawn to an invention non-elected with traverse, are cancelled herein without prejudice or waiver. See Office Action page 5, third paragraph.

CONCLUSION

In view of the above amendment and remarks, Applicants respectfully assert that the rejection of the claims as set forth in the Office Action has been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through PTO's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2433 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,



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